

REMARKS

Applicant requests favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

Claims 1, 7, 8, and 10, remain pending in this application, with Claims 1 and 10 being independent. By this Amendment, Applicant has amended Claims 1 and 10.

Applicant submits no new matter is presented by the amendments.

Claims 1, 7, 8, and 10 stand rejected under 35 U.S.C. § 102(e), over U.S. Patent No. 6,674,949 B2 (Allan et al.).

As recited in independent Claim 1, the present invention is directed to an optical deflector having a photonic crystal section, made with a material having through holes, and light lead-in means for leading light into the photonic crystal section. The optical deflector also includes external force application means for deforming the photonic crystal section and changing the angle of refraction of the light let in by the light lead-in means. The external force is applied to the photonic crystal section in a direction parallel to the direction of axes of the through holes.

Independent Claim 10 recites generally similar features.

Allan et al. is directed to a photonic crystal waveguide device. The Office Action cites this patent as describing an actuator 154 that exerts a mechanical force in a direction perpendicular to the direction of cyclicity. While not conceding the propriety of the rejection, Applicant has amended the claims to recite that a mechanical force is applied parallel to the direction of axes of through holes in the material of the photonic crystal section. Applicant submits that Allan et al. fails to disclose or suggest, at least, the


application of mechanical force in a direction parallel to the direction of axes of through holes in a material of the photonic crystal section, as generally recited in independent Claims 1 and 10.

Therefore, Applicant submits that independent Claims 1 and 10 are patentable over Allan et al. and requests withdrawal of the rejection under 35 U.S.C. § 102.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent Claim 1.

Applicant's attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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